

Remarks

Reconsideration and allowance are requested in view of the above amendments and the remarks below. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

The rejection of claims 8, 10-13, 17, and 19-23 under 35 U.S.C. 101 is moot in view of the cancellation of these claims.

Claims 1, 3-8, 10-13, 17, and 19-23 are rejected under 35 U.S.C. 103(a) over Virta (U.S. 2005/0065832) in view of Wies et al. (U.S. 7,159,008), hereafter "Wies" and Achacoso et al. (U.S. 6,161,149), hereafter "Achacoso."

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

In this case, the rejection is defective because Virta, Wies, and Achacoso, taken alone or in combination, fail to disclose each and every feature of the claims.

Claim 1 sets forth:

A method for comparing free time for members of a chat,
comprising:
storing individual calendars corresponding to each member of the chat and at least one person who is not a member of the chat;

initiating a free time comparison in response to an actuation of a selection mechanism via a chat interface, the chat interface comprising a chat area for displaying a dialog between the members of the chat, wherein initiating a free time comparison further comprises displaying a selection window including a plurality of selection mechanisms corresponding to each member of the chat and the at least one person who is not a member of the chat, wherein the selection mechanisms corresponding to each member of the chat are selected automatically by default, and wherein the selection mechanisms corresponding to each of the at least one person who is not a member of the chat are not selected by default, but can be manually selected to be included in the free time comparison;

combining the individual calendars corresponding to each member of the chat and the at least one person who is not a member of the chat into a free time summary calendar, wherein the free time summary calendar indicates at least one of free time periods that are simultaneously available to all of the members of the chat and the at least one person who is not a member of the chat and conflict time periods during which at least two chat members simultaneously have an event scheduled; and

enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface

None of the references cited by the Examiner teach or suggest, *inter alia*, “wherein initiating a free time comparison further comprises displaying a selection window including a plurality of selection mechanisms corresponding to each member of the chat and the at least one person who is not a member of the chat, wherein the selection mechanisms corresponding to each member of the chat are selected automatically by default, and wherein the selection mechanisms corresponding to each of the at least one person who is not a member of the chat are not selected by default, but can be manually selected to be included in the free time comparison.”

Further, contrary to the assertions of the Examiner, Achacoso does not disclose “enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface” in FIGS. 3-4 and col. 9, lines 7-29. Office Action, page 5, end of first paragraph. Applicants submit that FIGS. 3-4 of Achacoso do not

provide any illustration of a free time summary calendar or the enlarging of a chat interface and display of a free time summary calendar adjacent to a chat area of the chat interface. Rather, FIG. 3 of Achacoso displays "flow charts for the asynchronous events in a responsive, rapid interaction among three individual members of a group, while FIG. 4 of Achacoso displays "flow charts for the events in a slower interaction among three individual members of a group." Achacoso, column 5, lines 1-13. In addition, column 9, lines 7-29, of Achacoso are completely silent with regard to the "enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface."

Accordingly, Applicants submit that independent claim 1 and its corresponding dependent claims are allowable.

With respect to the dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Examiner's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Examiner's analysis, combinations, and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Examiner's combinations and modifications have not been

separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,
/ John A. Merecki /

Dated: May 30, 2008

John A. Merecki
Reg. No. 35,812

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile